

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

Applicant has amended claims 34, 51, and 62. Claim 67 has been added. Support for the new claim can be found in at least paragraph [0009] of the published specification. Applicant respectfully submits no new matter has been added. Accordingly, claims 34-67 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

Claims 34, 35, 37-40, 42, 49, 50-53 and 60-63 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Choi, et al. (WO 2004/064342 A1) hereinafter “Choi ‘342.” While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverses the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, does not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

According to the Manual for Patent Examining Procedure (MPEP) § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that Claims 34, 35, 37-40, 42, 49, 50-53, and 60-63 are patentable because Choi ‘342 fails to disclose, expressly or inherently, each and every element of the independent claims. For example, Choi ‘342 fails to disclose, expressly or inherently, “sending, by the SRNC, a multimedia service attach requesting message to more than one potential DNRC, the multimedia service attach requesting message comprising context information for the mobile terminal, the context information including multimedia service information” (*emphasis added*), as recited in amended independent claim 34. Amended independent claims 51 and 62 recite substantially

similar elements. In rejecting a prior version of the aforementioned claim element, Examiner cites page 9, lines 15-19 of Choi '342, which discusses:

*If the UE moves between cells in different RNC, after a SRNC receives a message of "Cell Update" from the UE applying for MBMS service, it sends a message of "MBMS Connection Request" to a RNC of the target cell. The message of "MBMS Connection Request" contains such information as MBMS Service ID, UE Identity and Cell ID.*

In other words, Choi '342 discusses a system where a message of "MBMS Connection Request" is sent to a single target RNC, when a UE moves from one cell to the target cell. In stark contrast, the amended independent claims recite "sending, by the SRNC, a multimedia attach requesting message to more than one potential DNRC" (*emphasis added*). Not only does Choi '342 fail to disclose, expressly or inherently the elements of the amended independent claims, one with skill in the art would not even expect Choi '342, taken alone or in any combination with another reference, to disclose, teach, or suggest the aforementioned elements because Choi '342 merely discusses cases (CELL\_DCH, CELL\_FACH, CELL\_PCH states) where the UE location is known at the cell level, not at the "cell group level" as recited in the amended independent claims. See, e.g., Choi '342, page 9, lines 9-20. Thus, in Choi '342, the UE performs a cell location update whenever it moves to a new cell. When a cell location update is performed when a UE moves from a first cell to a target cell, there is simply no need to send a message to "more than one potential DNRC" as recited in the amended independent claims. This is because (in Choi '342) the RNC of the target cell is already identified and known.

Thus, Choi '342 discusses no more than what is described in the background section of the application – that being when a UE in the CELL\_FACH or CELL\_PCH state moves to a cell which is connected to a different RNC, the UE will always send a cell update message, which will trigger the transfer of context information to the new RNC. In contrast, the amended independent claims address the missing context information in the DRNC due to "missing" cell update messages when the location is stored in the cell group level, as claimed.

For at least the aforementioned reasons, Applicant respectfully submits that amended independent claims 34, 51, and 62 (and all claims dependent therefrom) are patentable over Choi '342. Applicant therefore requests that the rejection be withdrawn.

**3.) Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 36, 41 and 64-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi'342 in view of Choi, et al. (WO 2004/0180675 A1) hereinafter Choi'675. Choi '675 is not cited as disclosing, teaching, or even suggesting any of the elements of amended independent claims 34, 51, or 62. Thus, Applicant submits that claims 36, 41, and 64-66 are patentable at least due to their dependency on amended independent claims 34, 51, or 62. Applicant therefore respectfully requests that the rejection be withdrawn.

Claims 43-48 and 54-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi'342 in view of Lee, et al. (WO 2005/0041610 A1) hereinafter Lee. Lee is not cited as disclosing, teaching, or even suggesting any of the elements of amended independent claims 34, 51, or 62. Thus, Applicant submits that claims 43-48 and 54-59 are patentable at least due to their dependency on amended independent claims 34, 51, or 62. Applicant therefore respectfully requests that the rejection be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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